

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

THE CINCINNATI INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	Case No. 05-04238-CV-C-NKL
v.)	
)	
SAWMILL HYDRAULICS, INC., and)	
GARY EADS,)	
)	
Defendants,)	

ORDER

Pending before the Court is Plaintiff's Motion for Default Judgment as to Defendant Sawmill Hydraulics, Inc. [Doc. # 8]. Plaintiff filed a Complaint for Declaratory Judgment on July 29, 2005. The Summons and Complaint were served upon Sawmill Hydraulics, Inc., on August 8, 2005. Under Fed. R. Civ. P. 12, Sawmill's responsive pleading was due on or before August 29, 2005. Sawmill has failed to file a responsive pleading to Plaintiff's Complaint. On September 26, the Court issued an Order to Show Cause [Doc. # 15] why Plaintiff's Motion for Default Judgment should not be granted. Sawmill has not responded. Thus, the Court finds Defendant Sawmill Hydraulics, Inc., in default under Fed. R. Civ. P. 55.

After reviewing the insurance documents attached to Plaintiff's Complaint, the Court enters the following DECLARATION of RIGHTS:

a. Plaintiff had no obligation to defend and has no obligation to indemnify Sawmill Hydraulics, Inc., for any claims or suits filed by Gary Eads or any other party arising out of the matters set forth in Gary Eads's Petition and First Amended Petition filed in the Eads Lawsuit;

b. Plaintiff's policies of insurance issued to Sawmill Hydraulics, Inc., provide no coverage to Sawmill Hydraulics, Inc., for any claim made against Sawmill Hydraulics, Inc., arising out of the matters set forth in Gary Eads's Petition and First Amended Petition filed in the Eads Lawsuit; and

c. Plaintiff has no obligation to satisfy the Final Judgment entered in the Eads Lawsuit

IT IS SO ORDERED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: November 9, 2005
Jefferson City, Missouri